

**TOWN COUNCIL  
SPECIAL MEETING  
OCTOBER 26, 2000**

The meeting was called to order at 8:08 p.m. Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

Councilmember Paul stated that she had been following the citrus canker issue for quite sometime and a meeting was held with the Department of Agriculture which explained its process and answered questions. In addition, Town staff met with the Department of Agriculture for an explanation of what was being done and why this action was being taken. Councilmember Paul had a list of questions she had asked the Department of Agriculture to address and what it would agree to do for the Town. The Department of Agriculture advised that it would help with communication, identification, pathology reports, and locations of diseased trees. Councilmember Paul advised that she had requested that the eradication process be stopped until a pathology report on the dog that had died in South Miami was returned; however, the Department of Agriculture had declined. She expressed concern regarding reports of other animals becoming sick or dying after eradication crews appeared and she had a lot of unanswered questions. Councilmember Paul indicated that she had asked for better measurements and not going onto properties unless the homeowner was present due to property damage and animals at residences. The Department of Agriculture had agreed to put an ad in the paper advising of their eradication processes.

Councilmember Paul reported that she was hearing stories of non-citrus trees and incorrect trees being cut down. Her concern was whether all methods had been explored, adding that she had heard of a spray which had been offered to the State which had not been looked into. Councilmember Paul added that pathologists were saying that eradication was not the right way to go and indicated that a line needed to be drawn in the sand to take a stand with some of the other communities.

Mayor Venis asked if anyone from the audience wished to comment.

Lee Hilliard, City of Plantation Commissioner, commended Councilmember Paul for her efforts. He described documented evidence that showed the pinpointed location of a host tree in the middle of a lake, as well as a phantom citrus tree where there were no citrus trees at all. Commissioner Hilliard questioned the eradication program and stated that a cautious approach should be taken. He offered an alliance with, and assistance from, the City of Plantation.

Bruce Edwards, City of Plantation Commissioner, indicated that the City of Plantation's hands were tied and seemed to have no better ability than the average citizen to stop the eradication. He was advised by his City Attorney that trying to get an injunction would probably be wasted money. Commissioner Edwards supported a resolution and also asked where Governor Bush was with regard to this problem. It was his suggestion to ask for accountability through the elected officials and he found the invasion of property rights to be troublesome. The Governor needed to be told to stop the program and State Senators and Representatives need to be involved.

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Fred Westfall, Founder of Citizens Against the Destruction and Eradication of Trees, distributed Article IV of the Constitution and showed photographs. He stated that Governor Bush had violated the law when he gave an executive order to allow the Department of Agriculture to remove trees from personal property.

Dr. Mel Greenstein described his experiences with the work crews and the legal processes available to residents. He invited Texas Governor George W. Bush and Vice-President Gore to get involved.

Steve Wolfman indicated that he had yet to find any research data confirming that canker was detrimental to the citrus economy, further describing the effects of canker and his discussion with Dr. Whiteside. He asked for an immediate injunction to stop the program.

Dean Alexander, 13820 SW 16 Street, stated that he saw Constitutional problems with the State's program, citing amendment #5, and further asked about a Federal instead of State injunction.

Councilmember Paul indicated that the Department of Agriculture vouchers were not considered compensation. She further advised that the program had run out of money on August 15th and the homeowners of any trees cut subsequent to that date were not receiving vouchers, pending Congress allocating more funds.

Toby Bogorff, 11001 SW 27 Street, described the actions taken by the Department of Agriculture on her property with threats, intimidation, and disregard for contamination control.

Bill Getts told how he was arrested last week trying to stop his trees from being cut. He reported that he saw a document saying that all citrus trees in Dade and Broward Counties were to be removed. In addition, he described the actions of the workers on his property with regard to his dog and threats towards himself. Mr. Getts stated that the crews would attack pets, break onto the property, and use intimidation tactics.

Mr. Wolfman reported that the Department of Agriculture was using satellites to pinpoint citrus trees.

Dr. Greenstein remarked regarding suspicions of a conspiracy with the citrus growers due to rising fruit prices.

Mike Bender, 14800 SW 31 Court, maintained that this was about back-door politics and bad science. He criticized the State's conclusion that cutting the trees down would solve the canker problem, citing spreading of the bacteria through wildlife, etc., and his frustration with getting information from the State Canker Hotline. Mr. Bender also expressed that he did not want to see any Davie police officers strong-arming any residents for "these agricultural thieves."

Arthur Joseph, 13700 SW 18 Court, criticized the incentive program, indicating that it was wrong and a travesty to pay for each tree cut down. He added that the canker only affected the appearance, not the fruit itself.

Diana Johnston, University of Florida research biologist, stated that although she had not read the scientific documentation with regard to the eradication program and the 1,900 foot radius, the science behind it should be questioned. She also recommended peer review of the documentation and added that it was her belief that the eradication was an economic, not scientific, venture.

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Susan Decker, 14140 SW 22 Place, indicated that she was also a biologist at the University of Miami and agreed with the previous speaker. She expressed her frustration with the canker program and encouraged the use of other solutions to kill the bacteria. Ms. Decker further stated that residents should be properly compensated for the trees.

Astor Knight stated that Southwest Ranches was having the same problem with the canker and trees being cut down, reiterating that getting everyone together to attack the problem would be more successful than trying to do it alone.

Lil Sayer agreed that the program needed to be stopped as the science was flawed. She asked about the economics of why the citrus industry was not being asked to pay for the eradication.

Gretta Pickney, 4650 SW 163 Avenue, described a situation she had found with the Department of Agriculture people jumping her fence to gain access to her property and endangering her stallion.

Jack Hiller commented that the problems with the program were due to poor management and that eradication was chosen because it was cheaper than control methods. He discussed the loss of wildlife, canopy loss, reduced property values, financial costs, and quality of life. Mr. Hiller stated that he would be filing an injunction with the Fourth District to stop the program and summarized what actions the different municipalities would be taking.

Ken Magaro, 2230 SW 139 Avenue, explained the problems he had with an inspector and the difficulties he had trying to contact the Department of Agriculture. He encouraged the Town to get an injunction to stop the eradication program. Mr. Magaro also questioned his inability to remove his own trees.

Franklin Byrom, 1541 NW 15 Terrace, thanked the Council for taking action and offered community support to stop the tree cutting.

Jim Darr, 13900 SW 15 Court, stated that he felt abandoned by the State. He reported that the Florida Co-op and the University of Florida had told the State what it was doing was wrong.

Adeline Buch, 11206 SW 22 Court, expressed her concerns regarding the chemicals being used.

Mayor Venis closed the public comments portion of the meeting.

Mr. Kiar summarized the meetings regarding the citrus eradication program. He had spoken with the City Attorneys of Pompano Beach regarding a class action complaint for injunctive relief and that it encompassed most of the citizens' concerns. Southwest Ranches was also contemplating joining the lawsuit, as well as the City of Fort Lauderdale and Broward County. Mr. Kiar advised that legal costs at this point would not be extensive as Palm Beach County had done most of the work so far.

Mayor Venis asked about filing in federal court, to which Mr. Kiar responded that the matter would need to be researched. Vice-Mayor Weiner outlined the court procedures with regard to filing and appeals.

Councilmember Paul asked if the injunction request being filed the next day would immediately stop the tree cutting or if a temporary restraining order would be necessary. Mr. Kiar confirmed that the injunction would be for that purpose - to stop the Department of Agriculture from continuing the eradication program.

Mayor Venis commented that the residents were generally concerned about the same problems. It was his opinion that the entire program was out of control and beyond

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the Department of Agriculture's grasp. Mayor Venis added that the Town needed to step in and do something to save the trees and help the residents. He maintained that he was in favor of joining the lawsuit.

Vice-Mayor Weiner discussed the issue of class standing, agreeing with the direction being taken and the way the complaint was drafted. He wanted to be sure that those residents who had already lost trees would be considered as potential plaintiffs also.

Councilmember Paul concluded by stating that everything was flawed about the program and there were a number of good reasons why it needed to be stopped. She mentioned risk assessment benefits for commercial growers and where that fit into the overall purpose of the eradication program. Councilmember Paul urged the Town to join in with other communities to get an injunction.

Councilmember Paul made a motion, seconded by Councilmember Clark, for the Town to join in the injunctive effort. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

There being no objections or further business, the meeting was adjourned at 10:12 p.m.

APPROVED \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk